

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

Rodolfo Rene LEY)

Defendant(s)

Case No.

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO
 MAY 16 2016
 MATTHEW J. DYKMAN
 CLERK

16mj 2265

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 5/13/2016 in the county of Bernalillo in the
 Judicial District of New Mexico, the defendant(s) violated:

Code Section

21 USC 841 (a)(1), (b)(1)(A)

Offense Description

Possession of one kilogram or more of
Heroin With Intent to Distribute

This criminal complaint is based on these facts:

*** SEE ATTACHED AFFIDAVIT ***

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 05-15-2016City and state: Albuquerque, New Mexico

Jarrell W. Perry
 Complainant's signature

Jarrell W. Perry, Special Agent DEA

Printed name and title

Steven C. Yarbrough
 Judge's signature

Steven C. Yarbrough, US Magistrate Judge
 Printed name and title

* Signed at the direction of Steven
 C. Yarbrough on 05-16-2016 @
 9:00 am by S/A Perry

AFFIDAVIT

On May 13, 2016, Drug Enforcement Administration (DEA) Special Agent (S/A) Jarrell W. Perry, DEA S/A Gerald Maestas and DEA Task Force Officer (TFO) Clarence Davis were at the Amtrak Train Station, 320 First Street, Albuquerque, New Mexico to meet the eastbound Amtrak Train which makes a regularly scheduled stop in Albuquerque, New Mexico.

S/A Perry approached a male, later identified as Rodolfo Rene LEY, who was sitting in his respective seat in the coach section of the Amtrak Train. S/A Perry displayed his DEA badge to LEY, identified himself as a police officer to LEY, asked for and received permission to speak with LEY. After a short conversation, S/A Perry asked for and received permission from LEY to search his person for contraband. A consensual search of LEY's person revealed a hard-like, oblong shaped bundle inside of LEY's jeans lying in his lower midsection. S/A Perry immediately knew from his experience that the hard-like, oblong shaped bundle was consistent with other bundles of illegal narcotics that S/A Perry had observed concealed on passengers bodies in the past which contained illegal narcotics.

S/A Perry handcuffed LEY, thus placing him under arrest. LEY was removed from the Amtrak Train and transported to the Drug Enforcement Administration (DEA) Albuquerque District Office (ADO).

At the DEA ADO, S/A Perry and S/A Maestas removed a total of three clear plastic wrapped bundles from LEY's lower midsection. S/A Perry and TFO Davis cut into two of the clear plastic wrapped bundles, which revealed a tan colored powdery substance. S/A Perry and TFO Davis weighed the three bundles for a total weight of approximately 1.00 gross kilograms. S/A Perry knew from his experience that this amount is consistent with distribution rather than a personal use amount. S/A Perry and TFO Davis field-tested the tan colored powdery substance from one of the bundles, which produced a positive reaction for the presence of heroin.

This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint.

Steven C. Yarbrough

United States Magistrate Judge

Steven C. Yarbrough

*Signed at the direction of
US Magistrate Judge Steven C.
Yarbrough on 05-16-2016 @
9:00 am by S/A Perry.

Jarrell W. Perry

Jarrell W. Perry
Special Agent
Drug Enforcement Administration